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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,722	05/08/2001	Theodore F. Rabenko	41748/CAG/B600	3641
23363	7590	10/05/2005	EXAMINER	
CHRISTIE, PARKER & HALE, LLP			SHAND, ROBERTA A	
PO BOX 7068			ART UNIT	
PASADENA, CA 91109-7068			PAPER NUMBER	

2665

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/851,722	Applicant(s) RABENKO ET AL.	
	Examiner Roberta A. Shand	Art Unit 2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/25/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Rakib (U.S. 6889385 B1).

3. Regarding claims 1 and 11, Rakib teaches (fig. 2 and col. 52, lines 49 – col. 53, lines 25) a communications system, comprising: a plurality of media terminal adapters (fig. 8, 372, 980, 986, 988, 990, 992, 994, 996, 998, 1000); a telephone line (694, 696, 698, 700, col. 19, lines 56-57); a telephone coupled to the telephone line; and a gateway (214 and fig which depicts the gateway alone) coupled to the telephone line and an IP network, and configured to exchange voice and data packets between a network and each of the media terminal adapters and the telephone over the telephone line, wherein the gateway receives a packet payload and determines if the packet is voice or data, if the packet is voice the gateway further determines if the voice is destined for the telephone or the network, if the voice packet is destined for the telephone, the gateway depacketizes the packet and transmits it to the telephone, if the packet is destined for the media terminal adapter the gateway reformats the packet and transmits the packet to the media terminal adapter (col 55, lines 4 – col. 56, lines 28).

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4. Regarding claims 2 and 12, Rakib teaches (fig. 2, 224) one of the media terminal adapters comprises a telephony device.

5. Regarding claims 3 and 13, Rakib teaches (fig. 2, 224) the telephony device is a telephone.

6. Regarding claims 4 and 14, Rakib teaches (fig. 2) the gateway is configured to exchange the voice and data packets between the network and the media terminal adapters by converting between a first format for the voice and data packets on the network and a second format for the voice and data packets on the telephone line, the first and second format being different.

7. Regarding claims 5, 15 and 17, Rakib teaches (fig. 2) one of the media terminal adapters comprises a telephone responsive to the voice packets having the second format.

9. Regarding claims 6, 18 and 20, Rakib teaches (fig. 2) a voice processing engine configured to convert between the voice packets having the second format and an analog voice signal in the voiceband frequency. It is inherent in Rakib's system that a processing engine configured to convert between the voice packets having the second format and an analog voice signal in the voiceband frequency exists because one of the media terminal adapters is a telephone.

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10. Regarding claim 7, Rakib teaches (fig. 2) a telephone, and wherein one of the media terminal adapters comprises an adapter configured to exchange the voice packets on the telephone line having the second format with analog voice in a voiceband frequency. It is inherent in Rakib's system that a processing engine configured to convert between the voice packets having the second format and an analog voice signal in the voiceband frequency exists because one of the media terminal adapters is a telephone.

11. Regarding claim 8, Rakib teaches (fig. 8, 986) the gateway comprises a cable modem

12. Regarding claim 9, Rakib teaches (fig. 8) the gateway comprises a first port (952) coupled to the telephone line (PSTN) and a second port, and an additional media terminal adapter coupled to the second port.

13. Regarding claim 10, Rakib teaches (fig. 8, 728) a voice and data processor configured to exchange the voice and data between the network and the additional media terminal adapter.

14. Regarding claim 16, Rakib teaches (fig. 2) exchanging a second plurality of voice and data packets between the network and an additional media terminal adapter.

15. Regarding claim 17, Rakib teaches (fig. 2) a communication system comprising: means for receiving a packet payload from an IP network; means for determining if the voice is destined for the telephone or the network, if the voice packet is destined for the telephone coupled to a

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telephone line or a second network coupled to the telephone line (and col. 52, lines 49 – col. 53, lines 25); means for depacketizing the packet and transmits it to the telephone, if the packet is destined for the network the gateway means for reformatting the packet and transmits the packet to the network (col 55, lines 4 – col. 56, lines 28).

Response to Arguments

16. Applicant's arguments filed August 25, 2005 have been fully considered but they are not persuasive. Applicant argues that Rakib does not exchange voice and data packets between an IP network, a number of media terminal adapters and a telephone over a telephone line. Applicant is directed to col. 53, lines 1-25, where it is explained voice and data communication between IP telephone and media terminal adapters (fax, pc etc.). Applicant also argues that Rakib does not teach if the voice packet is destined for the telephone, the gateway depacketizes the packet and transmits it to the telephone, if the packet is destined for the media terminal adapter the gateway reformats the packet and transmits the packet to the media terminal adapter. Applicant is again directed to col. 52, line 49 – col. 53, lines 25 and col. 55, lines 4 – col. 56, lines 28 where it is explained that the gateway will route the packets to the destination of which it is addressed.

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Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberta A Shand whose telephone number is 571-272-3161. The examiner can normally be reached on M-F 9:00am-5:30pm.

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Roberta A Shand
Examiner
Art Unit 2665


STEVEN NGUYEN
PRIMARY EXAMINER